

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

SEP - 5 2008

CLERK, U.S. DISTRICT COURT

By _____
Deputy

UNITED STATES OF AMERICA

v.

JAMES MICHAEL LONG

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No. 5:08-CR-28-C

GOVERNMENT'S MOTION TO WITHDRAW MOTION
FOR PRE-TRIAL HEARING

The United States of America (the "Government"), by and through the United States Attorney for the Northern District of Texas, asks to withdraw its Motion for Pre-Trial Hearing as follows:

On April 1, 2008, James Michael Long, defendant, was named in a four count Information charging Failure to File, in violation of 26 U.S.C. § 7203. On the same day, a summons was issued by the Clerk of the Court requiring the defendant to appear on April 23, 2008, before this Court. The defendant did not appear. Thereafter, the United States requested an arrest warrant. On April 30, 2008, this Court issued an arrest warrant. On May 22, 2008, the defendant had his initial appearance in the Fort Worth Division of the Northern District of Texas before United States Magistrate Judge Charles Bleil. During the initial appearance, the Federal Public Defender was appointed as stand-by counsel. On that same day, an order was entered by United States Magistrate Judge Charles Bleil appointing the Federal Public Defender as counsel for defendant as well as

an order detaining the defendant. On May 23, 2008, Shery Kime-Goodwin entered an appearance in the case.

On June 25, 2008, the defendant was set for an arraignment before United States Magistrate Judge Nancy Koenig. The United States, the defendant, and the Federal Public Defender were present at the hearing. During the hearing, the defendant announced to the court that he was firing his counsel and that he would be representing himself as "attorney in fact." The defendant refused to answer the Court's questions, and the hearing was adjourned and reset for August 25, 2008. At the hearing on August 25, 2008, the United States, the defendant, and the Federal Public Defender were present. The defendant again refused to answer the questions of the court and the arraignment was reset for August 27, 2008. On August 27, 2008, the defendant again refused to answer the Court's questions and the hearing was reset for September 3, 2008. The United States and the Federal Public Defender were present at the August 27th hearing.

On September 3, 2008, the United States, the Federal Pubic Defender, and the defendant were present, the defendant was arraigned, presented a copy of the Information, and was advised of the possible penalties. A plea of not guilty was entered by the Court on behalf of the defendant. The matter was set for trial on the October 6, 2008 docket. Also on September 3rd, United States Magistrate Nancy Koenig entered an order releasing the defendant on personal recognizance.

The Government asks to withdraw it motion for pre-trial hearing as this Court

entered an Order advising counsel of record that the Federal Public Defender was appointed to represent the defendant and that the Federal Public Defender was counsel for defendant. Based on this Order, there is no need for a pre-trial hearing and the United States respectfully requests to withdraw it's motion for pre-trial hearing.

Respectfully submitted,

RICHARD B. ROPER
UNITED STATES ATTORNEY

Respectfully submitted,
RICHARD B. ROPER
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Ann C. Roberts", with a stylized flourish at the end.

ANN C. ROBERTS
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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2008, I hand delivered the foregoing document to Assistant Public Defender Shery Kime-Goodwin as well as pre-trial services for delivery to the defendant.

A handwritten signature in black ink, appearing to read "Ann C. Roberts", is written over a horizontal line.

ANN C. ROBERTS

Assistant United States Attorney